IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 454 OF 2005

Aishnath Suhara & Ors. .. Petitioners

V/s

Union of India & Ors. .. Respondents

Mr.R.S. Apte i/b Mr.N.R. Bubna for the Petitioners.

Mr.D.A. Dubey with Mr. Y.R. Mishra for Respondent No.1.

Mr.Suresh Kumar with Mr.Sachin Balwad for Respondent No.2.

WITH

WRIT PETITION (L) NO. 435 OF 2005

George Thadathil & Ors. .. Petitioners

V/s

Union of India & Ors. .. Respondents

Mr.C.U. Singh i/b Mr.N.R. Bubna for the Petitioners.

Mr.D.A. Dubey with Mr. Y.R. Mishra for Respondent No.1.

Mr.Suresh Kumar with Mr.Sachin Balwad for Respondent No.2.

WITH

WRIT PETITION (L) NO. 474 OF 2005

Mrs. N. Prasanna Kumari .. Petitioner

V/s

Union of India & Ors. .. Respondents

Mr.S.V. Marne for the Petitioners.

Mr.D.A. Dubey with Mr. Y.R. Mishra for Respondent No.1.

Mr.Suresh Kumar with Mr.Sachin Balwad for Respondent No.2.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 22ND FEBRUARY 2005

P.C. :

1. Heard Mr.Apte, Mr.Singh and Mr.Marne for the Petitioners in all these three petitions. Mr.Suresh Kumar appears for Respondent No.2 and Mr.Dubey appears for Respondent No.1.

2. A reply has been filed in all these three petitions by Assistant Commissioner of Kendriya Vidyalaya Sangathan, Mumbai.

3. All these three petitions are filed to challenge the orders passed by the Central Administrative Tribunal rejecting the Interim Applications which the Petitioners had moved in the Original Applications before the Central Administrative Tribunal and those applications are pending.

4. The Petitioners were working as Principals in

various schools run by the Kendriya Vidyalaya Sangathan. It is their case that they have been appointed in the posts of Principals on the basis of advertisement given by the authorities. It is their further case that a due process of selection led to their appointment. As against this submission of the Petitioners, the stand of the Kendriya Vidyalaya Sangathan is that these posts were to be filled either by promotion or by deputation. Now, what the Kendriya Vidyalaya Sangathan is doing is to destabilise the Petitioners and asking them to hand over the charge to the Vice Principals in various schools. Undoubtedly, the Vice Principals are not persons who have come either by way of deputation or by direct recruitment to claim the posts of Principals. We do not understand as to why the Kendriya Vidyalaya Sangathan should destabilise the Principals who are working in the schools and direct the charge to be handed over to the Vice Principals. One can understand if the persons to be brought in in the place of the Petitioners fit in the category to occupy those positions. Admittedly, as of now, they are not persons who are either brought in by deputation or by selection. In this state of affairs, in our view, the Tribunal ought to have allowed the Petitioners to continue as Principals rather than rejecting their Interim Applications.

5. We are, therefore, of the view that the Interim Applications filed by the Petitioners in all the matters ought to be restored before the Central Administrative Tribunal where the submissions of both the parties will have to be gone into. Accordingly, we set aside the orders passed by the Central Administrative Tribunal in the Original Applications and restore the Interim Applications filed by the Petitioners before the Tribunal. In the meanwhile, the Kendriya Vidyalaya Sangathan will direct the Vice Principals to hand over the charge back to the Principals who are Petitioners herein and they will continue to hold that charge until the Interim Applications are decided after examining all these aspects.

6. The petitions stand disposed of with the above order.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)